

Michigan Supreme Court Clerk
P.O. Box 30052
Lansing, MI. 48909

April 28, 2004

RE: File No. 2003-04 OBJECTIONS

Dear Michigan Supreme Court:

I am filing the following objections to the Court pertaining to the proposed amendments to MCR 6.502 found at 469 MI 1296 and MCR 6.508 found at 469 MI 1299:

1) MCR 6.502 (C) -- The combined length of the 6.500 motion is proposed to be only 25 pages double spaced. Many defendant/prisoners filing in pro per, have to include all possible issues in their post conviction 6.500 motion and argue state and federal case law for each issue in the event they file a habeas corpus in the federal court. This process is complicated by restrictive access to law libraries and functional typewriters, as well, there is no access to microcomputers to compose the motion, brief or memorandum of law. Many prisoners have a limited education and writing-composing skills. The 25 page limit can and will be a severely restrictive hinder to adequate access to the courts and virtually impossible for a case that might raise five to ten issues in the 6.500 motion. I object to the Court's proposed change. If the court requires some reduction, please consider a reduction of only 10 to 20 percent, instead of a 50 percent reduction in motion length.

2) MCR 6.508 (D)(2)(b). By requiring the defendant/prisoner to only challenge a sentence that "exceeded that authorized by law", virtually eliminates the possibility of attaining any meaningful review of any sentences, unless the sentence exceeds the maximum set by statute. This amendment may conflict with MCR 6.429 (B)(4) which grants the Circuit Court the right to "correct an invalid sentence" through the MCR 6.500 motion. A sentence that exceeds "that authorized by law" and an "invalid sentence" are two different issue/arguments that may mean that only one will be recognized by the Courts. I therefore object to the amendment for this reason.

Respectfully submitted,

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cc: MEM; CAPPS; AFSC; Attorney.

